




STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

MEMORANDUM

TO: Commissioners

FROM: 
Phil Stutzman, Director of Compliance

DATE: September 18, 2002

SUBJECT: Brief Enforcement Hearing Moved to Full Commission Hearing
John Potter, Case #03-029
Alleged Failure to File F-1 Form Within Two Weeks of Becoming a Candidate

A brief enforcement hearing was scheduled for September 10, 2002, for John Potter, PDC Case No. 03-029. The Presiding Officer, Chair Mike Connelly, asked that the case be heard by the full Commission because the newly adopted penalty grid for non-filers of C-1 and F-1 forms did not allow the flexibility to assess a penalty up to the amount of previous unpaid penalties, not to exceed \$500.

Brief Summary of Case –

Respondent: John Potter

Case No.: 03-029

Office Sought: State Representative

Jurisdiction: Legislative District 11

Prior Violations: One

Description of Prior Violations: In 1999, Mr. Potter was found in violation of RCW 42.17.050 and 42.17.240 for failing to file a Candidate Registration (PDC form C-1) and Personal Financial Affairs Statement (PDC form F-1). He was assessed a penalty of \$500 with \$450 suspended if the missing reports were filed within 30 days. For each month the reports were not filed, the penalty increased by \$50 until the penalty reached \$500. The outstanding penalty of \$500 has been sent to the Attorney General's Office for collection and has not been paid.

Description of Case No. 03-029: A warning letter was sent to Mr. Potter on August 15, 2002, giving him the opportunity to file the missing F-1 and C-1 forms by August 26, 2002, to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties. The C-1 form was filed on August 16, 2002, but the F-1 form was not filed. On August 28, 2002, Mr. Potter was given the opportunity to stipulate to a violation, file the missing F-1 report and pay a \$100 penalty to avoid a brief enforcement hearing. The missing F-1 report was not filed and the case was presented at a brief enforcement hearing on September 10, 2002. At the brief enforcement hearing, the Chair moved the case to the full Commission. Mr. Potter has not filed his F-1 report and will appear on the general election ballot.

*"The public's right to know of the financing of political campaigns and lobbying
and the financial affairs of elected officials and candidates far outweighs
any right that these matters remain secret and private."*





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August 15, 2002

TO: JOHN POTTER
11842 14TH S
SEATTLE WA 98168

FROM: Public Disclosure Commission (PDC)
SUBJECT: Missing Personal Financial Affairs Statement (PDC form F-1)
Missing Candidate Registration Statement (PDC form C-1)

Our records indicate that you are a candidate in the 2002 election and that the PDC has not yet received a Personal Financial Affairs Statement (PDC form F-1) or a Candidate Registration Statement (PDC form C-1) from you. The public disclosure law requires candidates to file the F-1 and C-1 forms within two weeks of becoming a candidate.

Enclosed are blank F-1 and C-1 forms for your use. If applicable, also complete the F-1 Supplement Page. Please complete the F-1 and C-1 forms and mail both to the PDC before August 26, 2002 to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties.¹

Templates of the F-1 and C-1 forms are also available on the PDC Web site at www.pdc.wa.gov. Click on "Filer Assistance" and then on "Form Templates." Instruction booklets for the F-1 and C-1 are available on our web site under "Filer Assistance" and "Manuals" and are also available from your County Auditor and the PDC.

If you have already filed the F-1 and/or C-1 forms, please contact our office immediately. Thank you for your cooperation. If you need assistance, please contact Jim Kelly at (360) 586-4560, toll-free at 1-877-601-2828 or by e-mail at jkelly@pdc.wa.gov.

Sincerely,


Philip E. Stutzman
Director of Compliance

Enclosures
F-1 form
F-1 Supplement
C-1 form

¹ Please note that faxed reports are not acceptable because they only show a copy of your signature and the report needs to display your actual original signature.



**Proposed Penalty Grid for Non-Filers
For Brief Enforcement Hearing**

**Candidate Registration Statement (C-1)
Candidate Statement of Financial Affairs (F-1)**

Status	1 st Occasion	2 nd Occasion	3 rd Occasion	4 th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing.	\$150 per report	\$300 per report, up to \$500	Full Commission consideration	Full Commission consideration
Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100 per report	\$200 per report	\$400	Full Commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100 per report	\$100 - \$200 per report	\$200 - \$400	Full Commission consideration

Provisos:

- 1) The Presiding Officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.
- 2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the Full Commission for consideration.
- 3) The Presiding Officer may direct a matter to the full Commission if the officer believes \$500 would be an insufficient penalty or the matter warrants consideration by the full Commission.